

# **MAYOR AND CITY COUNCIL 2010 PLANNING WORKSHOP MINUTES**

**Thursday, February 18, 2010**

**Newton City Hall – Council Chambers  
Newton, North Carolina 28658**

---

Mayor Robert Mullinax reconvened the recessed February 16, 2010 regular Council meeting and opened the scheduled annual Council Planning Workshop on February 18, 2010 with the following present: Mayor Robert Mullinax, Mayor Pro Tem Anne Stedman, Council Members Wayne Dellinger, Mary Bess Lawing, Tom Rowe, Bill Lutz, and Robert C. Abernethy, Jr.

City Manager Todd Clark, City Attorney Larry Pitts, City Clerk Bootsie Roberts, and when requested, the appropriate Department Heads, Public Information Officer Gary Herman were in attendance. Guests in attendance were, Crystal Morphis, Managing Partner and Robert F. Comer from Sanford Holshouser Economic Development Consulting, LLC; Jim Stella, Retail Development Specialist - ElectriCities of NC, Inc.; Historian Sylvia Ray; Jeremy Petty, Chairperson for the Downtown Newton Development Association; Charles Mackey, Gang Program Coordinator/Analyst, Hickory Police Officer Sipe, the Teen Leadership students; and Attorney Tom Warlick.

Mayor Mullinax thanked everyone for attending the workshop and said that the workshop would be very informal and that no action would be taken on any items discussed. He advised the Council about the breaks, meals, and other household tips. Mayor Mullinax also extended a hearty welcome to Council Members Abernethy and Lutz on it being their first workshop as Council Members.

City Manager Todd Clark thanked the Mayor and Council for arranging their time for the planning workshop and thanked the staff for all their hard work in preparing for the workshop. City Manager Clark reviewed the schedule for the workshop and called on Planning Director/Assistant City Manager Glenn J. Pattishall to introduce the guests for Session I.

## **SESSION I – PLANNING DEPARTMENT:**

### **1. Positioning and Marketing Study – Sanford Holshouser**

Planning Director/Assistant City Manager Glenn J. Pattishall reported on the process leading up to assistance from Sanford Holshouser Economic Development Consultants Crystal Morphis and Robert “Bob” Comer. He said that Ms. Morphis and Mr. Comer were assigned to put together a Marketing and Positioning Plan for the City of Newton. He said that the process involved the use of a Focus Group of individuals from the downtown and business community and City Staff, along with data from the 2009 community survey and the Main Street Vision Forum held in 2008.

Mr. Pattishall introduced Jim Stella, Retail Development Specialist, from ElectriCities of NC, Inc. and asked Mr. Stella to make a few comments.

Mr. Jim Stella reported that his responsibility in the marketing process was to make connections with the retail establishments in the City. Mr. Stella said that he works with fifty-one (51) communities throughout the State and was very delighted that the City of Newton is one of his projects. He mentioned his relationship with the services of Sanford Holshouser Economic Development Consulting and said that ElectriCities assists member cities in their process in three areas, (1) Economic Development Planning, (2) Site Selection Consulting, and (3) Public Policy Formations. Mr. Stella said he would be working with the Planning and Economic Development Staff to implement the plan.

Mr. Stella said that the City of Newton is ahead of the game in its efforts for change and commended the City for all that has been done.

Ms. Morphis came forward to make her presentation. Ms. Morphis said that she was glad to be working in the City of Newton and has met many nice people. She said that the people in the City of Newton are interested in how retail works in the community, and realizes that there is a need to create a place where young professional and educated workers would like to work.

Ms. Morphis used a power point presentation to assist with providing information on the planning processes mentioning advantages and challenges; retail profile; development organization; retail and commercial recruitment and development; and downtown and residential development.

Ms. Morphis pointed out how important population, stable taxable retail sales, income, and diversity are in the community. She said that the City should develop ways to attract people and businesses to the City, but most of all, public support is most important. Ms. Morphis suggested that a focus group be established to evaluate the needs and to make recommendations to the Council for consideration.

Mayor Mullinax asked Ms. Morphis if they would be available to assist the City establishing an advisory group. Ms. Morphis said that the Consultants would be available.

Mayor Mullinax stated that City Manager Clark, Mr. Pattishall, and Mr. Powell have worked very closely with community leaders and business representatives, to provide support from the community.

Ms. Morphis said that to be prepared is half the victory in bringing new development into the City and that public input is crucial for its success.

Mayor Mullinax stated that the Council has received the report and recommendations from the Sanford Holshouser Economic Development Consultants, but suggested more time to review it. He said that the City has made much effort on infrastructure improvements, but the economy has thrown a curve ball and work has slowed down.

Mayor Mullinax mentioned areas in Newton for visitor destinations, and said that the Catawba County Museum of History in downtown Newton is a good attraction.

Ms. Morphis said that a clustering of businesses is an effective way to draw people to the area, as well.

Mayor Pro Tem Anne Stedman mentioned that the Downtown Newton Development Association will hold its first workshop soon and will discuss the subject of “Branding.” She requested help from Sanford Holshouser, as well as, Jim Stella from ElectriCities, if possible.

Mr. Comer commented that there have been numerous areas throughout North Carolina such as Surry County, Dobson, Booneville, etc. (small cities/towns) that have made substantial improvements, and was sure that Newton could do the same.

Ms. Morphis thanked the Council and the Staff and all who participated in the report preparations.

**Mayor Mullinax encouraged the Council to read the report in its entirety and to consider possibly having a workshop to discuss the report further.**

There was a brief discussion regarding storefront churches versus businesses, government controlled ordinances, as well as, the way the downtown is located from the major highways. Ms. Morphis suggested that the City contact Google, MapQuest, etc. to request a change in the way they use route arrangement into Newton. She indicated that it is a little difficult getting into Newton.

## **2. Downtown Master Plan Review**

Planning Director/Assistant City Manager Glenn J. Pattishall reported that in 2003, the Newton Appearance Commission and other interested individuals formed an ad hoc committee to work on a community driven plan for downtown Newton. He said that the City of Newton Planning and Economic Development Department facilitated the Streetscape Master Plan for the Master Plan Committee.

Mr. Pattishall said the new Master Plan Committee is continuing the efforts of the former planning committee and thanked them for their work. Mr. Pattishall asked Rob Powell, Commercial Development Coordinator, to make his report on the Downtown Newton Streetscape Master Plan.

Mr. Powell reviewed the Downtown Newton Streetscape Master Plan, which included photographs of the downtown area and recommendations from the Design Committee, a sub-committee of the DNDA, and the original Downtown Master Plan Committee.

Mr. Powell reviewed the Downtown Newton Streetscape Master Plan Committee’s Mission Statement which states – “to develop standards for making improvements to and maintaining City utilities, landscape areas, sidewalks, streets, and street lighting. These standards will be an integral part of a Master Plan dealing with an eight block area in the Central Business District in downtown Newton.” He said that since the original mission

statement was defined, the planning area has been expanded to cover recommendations for all twenty blocks in the Central Business District. Mr. Powell noted that it is the desire of the Master Plan Committee and the Downtown Newton Development Association to make the downtown area an exciting and inviting place for both citizens and visitors, to make it a destination.

Mr. Powell gave a brief overview of the Master Plan Committee's proposed improvements for revitalizing downtown Newton which included the planning process, the project scope, the streetscape improvement map to give a visual of the project, the plan elements (sidewalk, bump-outs, and crosswalks, street lights, street name signs, and public art examples), which were also included in the Sanford Holshouser Economic Development Consultant's Report. Mr. Powell asked the Council for comments and questions.

Council Member Mary Bess Lawing asked about "way finding signs, as well as, environmentally lit signs."

Mr. Powell informed the Council that Assistant Director of Public Works and Public Utilities Doug Wesson is working on the streetlights, but not the decorative lights. He said that round two of the Main Street Energy Efficiency Program Grant has not been announced.

Mayor Pro Tem Anne Stedman said that it would behoove the Council to get a plan in place to help with grants that might be available to the City.

Mr. Powell said that the Public Works Department and the Parks and Recreation Department Staffs have worked very diligently on the Downtown Newton Streetscape Master Plan, as well as, the Downtown Newton Development Association.

Mr. Jeremy Petty, Chairman of the Downtown Newton Development Association, thanked, on behalf of the DNDA, Doug Wesson and his Staff for their assistance with the downtown plans.

### **3. Small Business Incentives**

Planning Director/Assistant City Manager Glenn J. Pattishall said that the Staff had been asked to prepare an update on Small Business Incentives for the Council's workshop. He said that incentives are designed to accomplish a purpose, a way to entice a business or industry. He said that there are many types of incentives to recruit, attract, or retain a business or industry. Mr. Pattishall reviewed the most commonly practiced incentives such as:

- Grants/loans for buildings/site improvements including up fit and renovation
- Design Assistance Grants
- Low interest loans for building improvements
- Historic Preservation Grants (state and federal tax credits)
- Rental Assistance

- Business incubator
- Marketing Assistance Grants
- Signage Grants
- Utility Deposit Waivers
- Inventory, furniture and fixture loans

Mr. Pattishall distributed a map to the Council showing businesses throughout the City. He said that the Planning and Economic Development Staff is working on an inventory of seven specific commercial areas in town, which all have different and unique circumstances. Mr. Pattishall said that Mr. Powell and the members from the Planning and Economic Development Staff plan to go area by area to talk to the people about their businesses.

Mayor Mullinax asked the Staff if help from ElectriCities of NC has been requested, which Mr. Pattishall said that he has worked with ElectriCities on this matter before Jim Stella from ElectriCities became involved. Mr. Pattishall reviewed the purposes of incentive programs, which would allow an outcome that the Council would like to have. The purposes of an incentive program could be:

- To encourage infill development in targeted areas
- To reduce or eliminate blight in specific areas and citywide
- To encourage retail office and service development
- To encourage occupancy of vacant buildings
- To create jobs and/or specific types of jobs
- To expand the variety/number of businesses and services citywide and/or in targeted areas of the City

Mayor Pro Tem Anne Stedman said that the Council should embrace the challenges set before them in the way of attracting retail businesses. She said, as a suggestion, that the Council could select a sub-committee to work with and encourage retail renters to produce a business plan, and when submitted to the City, the business could receive an incentive package for locating in the City of Newton.

Mayor Mullinax said that the incentive programs are very important, and the City should always try to find ways to encourage people, businesses, industries, etc. to consider bringing their businesses here and create jobs in Newton. He said that the City does not have a set plan, because it uses incentives on a case-by-case basis, more of a customized approach; but if the Council wants to pursue further incentives, then it will.

Council Member Wayne Dellinger said that so many businesses fail in the first two years. He said that it would be good to have a plan in place, and provide an incentive package based on a businesses' performance at the end of one year in business.

There was a brief discussion on ways to help commercial businesses with incentive programs and rent incentives. Mr. Pattishall said that the focus is finding out what the City wants or need in recruiting a variety of businesses. He said that it is important to find out what the City already has and then determine if the City needs more of the same type

business or look for a mix of businesses.

Council Member Bill Lutz said it would be good to have some type of incentive program for businesses. He said that he usually focuses on downtown Newton when businesses are discussed, but there are many business opportunities outside the downtown area as well.

Mayor Mullinax said that the Sanford Holshouser marketing study covers all of Newton, not just the downtown area.

Council Member Robert C. Abernethy, Jr. said that the City has to remain competitive with other communities with incentives to attract new businesses and to encourage growth of existing local businesses. He said that incentives should be flexible and not standard because all businesses have different requirements. He said that the City needs ways to attract small businesses, which are the backbone of not just the nation's economy, but the local economy, as well as, there is a need to find ways to create jobs throughout the city.

Mr. Pattishall said that recently, North Carolina has allocated \$2 million of its current fiscal year budget to Main Street communities (The Main Street Solutions Program). He said that all sixty-two (62) Main Street communities are eligible to apply. He said that the applications are due April 15, but the applications and guidelines are not available at this time. Mr. Pattishall said that he and Mr. Powell have worked with representatives from the State to seek all the requirements necessary for the grants. He said that this grant funding could buy, renovate or be used as a loan pool for eligible applicants. He said that plans are being discussed to hold a public forum to notify business owners in the downtown area to see what the interest is. Mr. Pattishall said that there is a \$1 to \$1 match for public property/infrastructure, such as the streetscape plan, sidewalks, curb & gutter situation, etc., but the Staff would like to minimize the funding for the City with these grant opportunities. He said that the minimum grant amount is \$20,000, and the maximum is \$300,000. He said that the Staff would keep the Council informed on the progress of this and other grant opportunities.

#### **4. Historic District Presentation**

Mayor Mullinax introduced and welcomed Ms. Ann Swallow, National Register Coordinator for North Carolina, to the meeting. Ms Swallow said that her office is part of the North Carolina Department of Cultural Resources within the Historic Preservation Office, which includes historians on staff whose job is to administer federal historic preservation programs similar to the National Register of Historic Places Program. Ms. Swallow said that the City of Newton is in her service region.

Ms. Swallow gave a brief background of her responsibilities and described the State requirements and Federal regulations in applying to be on the National Register of Historic Places. Ms. Swallow said that the program she administers involves people from the public who want to apply for the National Register of Historic Places. Ms. Swallow said that there are 2,600 applicants in North Carolina listed on the National Register, 470 are

historic districts (mostly downtowns) and approximately 70,000 buildings listed on the register.

Ms. Swallow said that the National Register does not place any requirements on private property owners to do anything. The owners are not required to restore their building, not required to contact the State Office to change the color, and do not have to keep it open if it is a private home. She mentioned that the North Main Avenue Historic District has been listed on the register for a long time and the owner's lives in that district did not change from the day the area became listed.

Ms. Swallow said that she has previously worked with Sidney Halma, former Director for the Catawba County Museum of History. Ms. Swallow said that the State office would not be involved when changes are made, that it would look to see if Newton looks the way it did in 1960. She said that every downtown tells a historic story, and that Newton has the potential to be on the register, because it exhibits significance, businesses, integrity, and has some character of the way it looked in the 1960s. She said that the National Register considers history more than 50 years ago. She recommended that the City concentrate on commercial, business, and institutional areas.

Ms. Swallow used a power-point presentation to give a visual of her recommendations for applying to be on the National Historic Register, showing the downtown buildings from over 50 years ago to the present. She mentioned that a meeting was held recently to determine why cities apply for historic preservation status and it was determined that it was for (1) direct relationships, and (2) family history. Ms. Swallow said that there are some monies available to help with restoration, but not a lot, with a 40% tax credit, 20% from State – 20% from the Federal. She said that there is a 10% credit for older buildings, and mentioned that there is a 30% State tax credit for the houses in the North Main Avenue District and a \$25,000 minimum investment in the rehabilitation of a house in the district.

Ms. Swallow complimented the City for its very active restoration program in the downtown area and stated that the downtown area is probably eligible for historic preservation status. She said not many cities are applying at this time.

Council Member Robert C. Abernethy, Jr. asked what the City needs to do. Ms. Swallow encouraged the use of a qualified Consultant to assist the City in the application process. She said that a Consultant could cost in the price range of \$10,000 - \$16,000 for assistance with a downtown application.

Sylvia Ray, local historian, asked in an effort of being cost effective, could the City use the expertise of former Director and historian, Sidney Halma, because of his work on the North Main Historic District, to become a consultant for the City if the Council chooses to apply.

Ms. Swallow said that Mr. Halma would be an excellent choice if he were available, and there are database requirements that are included in the planning process.

Mayor Mullinax asked for further directions on the planning process, such as public meetings to receive citizen input, advisory boards, etc.

Ms. Swallow said that the appearance of the downtown area speaks for itself. She said City Staff could study and process an application or the Council could choose to hire a consultant. Ms. Swallow said whatever decision is made, to please involve the business owners for their input, and of course, she would be willing to help as well.

City Manager Todd Clark asked if the City was to consider the designation, and as City Manager, what would the City's responsibility be. Ms. Swallow said, "None."

Council Member Mary Bess Lawing mentioned the State Theater being a historic building, as well as, other buildings in the downtown.

Sylvia Ray, local historian, said that the "obvious" need for a historic district registering would be the South College Avenue area because of the former Catawba College being in the area. Mayor Mullinax said that the City's concern right now is in the downtown area, not the residential areas. Mayor Mullinax said that a historic designation could be a good incentive for the North Newton area.

Mayor Mullinax said that Ms. Swallow has given the Council good information about the tax credits and the historic preservation process and thanked her for her presentation.

### **Break from the morning session**

## **SESSION II – PUBLIC SAFETY:**

### **1. Annual Report on Fire Conditions**

Chief Kevin Yoder thanked the Council for the opportunity to make his 2009 Annual Fire Report as required by the City Ordinance and in accordance with nationally recognized standards. He used a power-point to review the Fire Department's accomplishments, which included the awarding of the Assistance to Firefighters Grant to provide vehicle exhaust removal systems at all three fire stations, and the purchase and installation of standby generation at the Startown Station, which is included in the 2009-2010 Fiscal Year Budget.

Chief Yoder said that the Fire Department focused on three major goals for the department, (1) to become more customer service oriented, (2) to improve services through the uses of technology, and (3) to respond to citizen concerns immediately. He said that the department uses the "Visions" Fire Reporting Software. Chief Yoder said that the "Visions" software enables the department to store data relating to fire incidents, fire inspections, hydrant maintenance, and equipment inventories, etc. and is available at all three fire stations through the assistance of the City's Technology Department. Chief Yoder said that, in the future, the "Visions" Fire Reporting Software would be both beneficial and crucial to the fire fighters in the field through the utilization of Vision Mobile and AVL (Advanced Vehicle Location) equipment, which would be used to access



additional information related to service calls such as past history of calls or if law enforcement has been on the scene at that residence for a domestic dispute, etc. He said that the Vision Mobile and AVL system is equipment that would be presented to the Council during the budget process. Currently, the Fire Department continues to capitalize on the existing equipment.

Council Member Mary Bess Lawing asked if the Fire Department has access to Google and the programs it has to assist fire departments. Chief Yoder said that he has looked into this issue, but his department utilizes a software program similar to Google's program called "Art Reader" that establishes maps, but it is plugged into laptops. He said that this process does not have the ability to communicate back to the database at the fire station.

Chief Yoder gave a brief summary of the fire department's organizations statement, statistical information (annual total calls from 2004-2009), specific call volume for 2009, annual response times, deficient areas of engine company response, training and certifications requirements, inspection/prevention divisions, and staffing data.

Chief Yoder entertained questions on the call volumes and the rural tax district, as well as, rescue and services that other cities provide that the City of Newton does not provide.

Mayor Mullinax asked the status of the rural tax rate increase from Catawba County.

Chief Yoder said that according to information he received, that the Fire Marshal's Office was not going to recommend the \$0.02 cents tax rate increase requested by the City of Newton. He said that the County Manager and the Commissioners are aware of the request. Chief Yoder said that he asked the reason that the Fire Marshal did not want to recommend the request, which include (1) the economy, and (2) that there are services that the City of Newton are not currently providing that other fire departments are providing.

City Manager Clark asked Chief Yoder to explain the equity and the funding of fire protection, as well as, the equivalent level of service between a municipal and non-municipal district; and where the City stands on the equity and the funding of fire protection.

Chief Yoder said that the Staff did an evaluation of where and how many responses were within the City and out in the rural area, as well as, equated it to its funding sources. He said that in 2009, the City of Newton received 29% of calls from the rural area and 71% of the calls within the City. He said that 17% of the City's funding comes from the rural fire tax, which justified the Staff requesting the \$0.02 cents rural tax rate increase. In summary of the discussion, it was determined that it costs the City additional money to provide the fire service in the rural fire district, which is a non-municipal fire district.

Council Member Mary Bess Lawing asked if these calls backed up the rescue squad, which Chief Yoder said that the calls were regular service calls.

Mayor Pro Tem Anne Stedman asked which services are being provided by other districts that the City of Newton is not providing. Chief Yoder said Medical First Response. He explained the responsibilities of the Rescue Squad, especially mentioning that the Rescue Squad provides two services, medical first response and rescue. Chief Yoder said that the City of Newton Fire Fighters have provided rescue for the past ten (10) years. He informed the Council that there are five rescue services, which include confined space, trench, high angle, swift water, and urban search and rescue, of which the City of Newton does three of the five functions of rescue, but in reference to Mayor Pro Tem Stedman's question, the service in question would be Medical First Response. Chief Yoder gave an example of the City of Hickory as being a municipality that provides completely, Medical First Response within its rural fire district, as well as, the Sherrills Ford Fire Department, a non-municipal fire department, that provides Rescue, Medical First Response, and Fire Protection.

Chief Yoder said from meetings he attended last year with the Assistant County Manager, the Emergency Services Director, and Fire Marshal, the response was that they were not interested in funding any more tax increases to departments that were not willing to provide those services. He said that when he talked to the County Fire Marshal and the Emergency Services Director this year, and asked if the Council chooses to provide Medical First Response, would it open the possibility of receiving the Rural Tax increase. It was Chief Yoder's understanding that it would be a possibility if the City chooses to provide the First Response Service, but there is no guarantee that the City would receive it.

Council Member Mary Bess Lawing asked if the City started providing Medical First Response, what would happen to the Rescue Squad. Chief Yoder said that the Rescue Squad could continue to run parallel to the City service or Catawba County could inform the Rescue Squad that they do not need any redundancy in service, and possibly could be eliminated.

City Manager Clark commented that the level of service that is received from a municipal fire department is a different level of service versus the Rescue Squad, and to provide that service would require additional funding. City Manager Clark said that if Catawba County wants the City of Newton to provide this service, then it should provide the funding.

Council Member Mary Bess Lawing asked what the amount of the \$0.02 cent increase is. Chief Yoder gave an estimate of \$96,000 for the extra service in the rural area.

Mayor Mullinax said that the City of Newton has made the request; the County has denied the request, now it is time to move on.

There was a continued discussion on service calls, smoke detectors, non-

emergency calls, fire inspections, staff and training, etc.

Mayor Pro Tem Anne Stedman asked for an explanation of a “Knox box,” if it is federally mandated or is it a requirement of the City. Chief Yoder said that a “Knox box” is a requirement of the International Fire Code, with North Carolina Building Code amendments and recently approved by the Council. He said that the Code gives the businesses and commercial property owner’s protection of property in the event of a need for emergency personnel to gain entry without knocking a door down.

Council Member Robert C. Abernethy, Jr. asked what happened to the funds left over from the Firefighter’s Grant to purchase standby generators, and if those funds could be used to help with the Visions Fire software. Chief Yoder said that the funds or savings from the grant have to be justified to FEMA and could only be used for fire prevention purposes, such as the firehouse, Freckles, and the “Learn Not to Burn” program.

### **Non-Residential Maintenance Code**

City Manager Clark reported that the Non-Residential Maintenance Code was adopted in 2008 and assigned to the Fire Department for monitoring. He said that it was decided that the City would take a re-active position and respond to the complaints. City Manager Clark said that Chief Yoder and his Staff have investigated several situations and would like to know if the Council would like to try the pro-active position with the Non-Residential Maintenance Code.

Chief Yoder used a power-point to give a visual of the properties inspected, and reported that his staff has been doing the investigations on a case by case basis since the Ordinance was adopted. He gave a brief history on each property, which was vacant or dilapidated structures that would be harmful to the health, safety, and general welfare. Chief Yoder also reviewed the procedures used once a complaint is identified.

There was a discussion regarding the directions from the Council on being “re-active” or “pro-active.” City Manager Clark said that it was his understanding that the Non-Residential Maintenance Code would be “complaint” based only, which means “re-active.” He said that he and Staff reviewed the directions given when the Code was adopted, and it was determined that the process would be “complaint driven” externally, not internally by the Staff.

Mayor Mullinax said that it was his understanding that the Staff would be looking at complaints and making a report, but after reviewing the properties, Mayor Mullinax asked the Council if they should be “re-active or “pro-active,” which consensus was, to be “**proactive.**”

Council Member Bill Lutz asked what is done for abandoned buildings.

City Attorney Larry Pitts said that entering abandoned commercial buildings and structures was not permitted until late 2009. He said that legislature changed the law, but

representatives from the School of Governments had difficulties trying to interpret the law or come up with an Ordinance. He said that enforcement is a very complicated process, with waiting periods from one to five years before anything could be done. Attorney Pitts said that for the reasons stated, that this is why the decision was changed to “complaint driven.” He said that the time this issue was previously discussed, there were not as many structures or buildings to bring before the Council.

Council Member Robert C. Abernethy, Jr. said that if the City waits on a citizen to complain, it would take longer than one to five years. He referenced a building that is located next to a church playground, and he has a problem with children being around buildings in this type of condition. He said that if you wait for citizens to complain, that it might take longer and felt that the City should be “**proactive.**”

Council Member Wayne Dellinger asked if a person complained tomorrow about one of the buildings presented, that before the City or anyone could demolish the building, could it take two to four years.

Attorney Pitts said, yes, that there are certain percentages to be determined whether or not the costs to repair the building is more than a certain percentage of the value of the building and other issues. He said that there are two basic elements, which are, (1) whether to make a basic determination based on the results of a hearing on the complaint, or (2) if a building can be repaired or not; which are also based upon formulas that have to be inserted into the Ordinance. He said that the reason for the length of time to comply is State laws, not anything the City requires.

Planning Director/Assistant City Manager Glenn J. Pattishall reminded the Council that the City of Newton is the first City to have a Non-Residential Maintenance Ordinance under State Laws. He said that the Ordinance was reviewed by other cities, but before the State Laws were passed, the cities had no authority to do anything.

Mayor Mullinax asked the Council to take a “**proactive**” stand on the Non-Residential Maintenance Ordinance, which City Manager Clark and Staff appreciated their consensus. Mayor Mullinax and City Manager Clark referenced particularly the old Central High School Cafeteria on South Ervin Avenue that representatives from the East Newton Neighborhood Tasks had given a verbal complaint during a recent meeting they had attended.

Chief Yoder said that “placards” will be placed on any building or structure determined to be unsafe according to Section 110 of the Code and shall be marked as required with specific information and symbols, colors, placed in specific locations, and dated. He said that “placards” could be placed on a building or structure without notifying the property owner(s).

Chief Yoder said that the Staff would be as pro-active as the Council would like, do all that they can, and as fast as they can, but to understand that the Staff have some limitations as to what they can do.

Mayor Pro Tem Anne Stedman asked what is done with abandoned property. Mr. Pattishall said that the City has an Abandoned Structure Ordinance, which requires the complaint to be verified before accessing the building or structure. He said that there has to be evidence to show that vagrants have been attracted, that the nuisance has attracted children, and then there is a due process to follow, but this is only for non-residential buildings.

Council Member Mary Bess Lawing asked what happens to residential buildings. Mr. Pattishall said that there is not a Minimum Housing Code that addresses abandoned residential structures. Mr. Pattishall said that State Laws limit the Staff's actions on residential abandoned structures.

City Attorney Pitts said that the only thing that the City can do for abandoned residential property is to make them secured.

## **2. Report on Interagency Gang Grant**

Chief Don Brown thanked the Council and opened his discussion with providing information on the Memorandum of Agreement for the Interagency Gang Grant between Hickory, Long View, Conover, Maiden, Brookford, Catawba, and Claremont Police Departments, and the Catawba County Sheriff's Department for the purpose of gang prevention and intervention strategies. He said that the Memorandum of Agreement was agreed upon by the nine agencies after reviewing eleven (11) drafts.

Chief Brown said that the City of Hickory is the lead agency for the Project and in collaboration with nine other law enforcement agencies in Catawba County and Burke County, received \$135,629 for the two-year Interagency Gang Grant to fund the Project from the Governor's Crime Commission. He said that the Grant would fund the position of a Coordinator/Analyst and the planning process.

Chief Brown said that the agencies agreed to follow the High Point model, which was implemented by the High Point Police Department twelve (12) years ago. He said that the approach would allow Law Enforcement Agencies to team with Social Services, community leaders, lawyers, judges, family members, the faith community, and any other entities that are involved with criminals that commit violent crimes, to help and support this effort to combat the gang problems. Chief Brown said that the process would involve the criminals to be invited to a meeting and issued an ultimatum to stop their crimes or they would face the team of people and agencies who are in full support of the Law Enforcement agencies to stop the gang activities.

Council Member Wayne Dellinger asked how the criminals would be contacted to attend a meeting. Chief Brown said that letters from a list of criminals would contact them on probation inviting them to attend a special meeting.

Council Member Robert C. Abernethy, Jr. asked if the agencies would be working with the school systems. Mr. Charles Mackey, Gang Program Coordinator/Analyst, said that the agencies would be working with the schools and that the agencies are already

involved with the resource officers in the schools, as well as, "The Gang of One," and the "Street Crime Division."

Chief Brown said that a Coordinator/Analyst for the Project was interviewed and unanimously selected by the nine (9) agencies to administer the Project. He introduced Charles Mackey, Jr. to the Council and said that Mr. Mackey is the right choice for the position. Chief Brown said that Mr. Mackey grew up in the Hickory community and knows the gang problems in the communities, as well as, has worked with some of the gang related issues before he was hired.

Mr. Charles Mackey, Jr. said that he was excited about working with the law enforcement agencies on the Gang Project. He said that his first task is to collect data on gang trends and statistics and to collaborate with the agencies in an effort to combat the gang problems in the communities. Mr. Mackey said in reference to the letter inviting the criminals to a meeting, that he has been working on an appropriate letter since July 2009. He said that the "call-in letter" is six months from being appropriately worded and mailed. Mr. Mackey said that the City of Statesville is trying the same approach and their call-in meeting is today (February 18, 2010).

Mr. Mackey said that the problem would not be identifying criminals to call in, that the problem is getting dedicated leaders to help with the Project. He said in helping the criminals to choose a better life and not be a part of a gang, jobs and other resources would be offered to them from companies and temporary services.

Hickory Police Officer Sipe, who was in the audience, said that Mr. Mackey would investigate local businesses or industries to see who would be willing to hire convicted criminals trying to turn their lives around and needing a second chance in life.

Council Member Robert Abernethy, Jr. said that there are many good people who got involved with bad people, are deserving of a second chance in life, and felt this was a good program to help them.

Chief Brown said that Judge Brady is working with this Project. He said that the next step is the "call-in letter" approach. He said that this Project is a pilot program and if it fails, other agencies will not get a chance to try.

Mayor Pro Tem Stedman asked about the known gangs in the area. Officer Sipe said that there are twenty (20) known gangs with over 100 gang members in Catawba County. Chief Brown said that the City of Newton has seen a decrease since last year's report to the Council.

**City Manager Clark recommended that the gang presentation given by Sgt. Smithey be re-presented sometime in the near future, since there are new Council Members.**

Chief Brown said that the main goals of the Project are:

- Reduction of gang activity in Catawba County
- Reduction in violent crimes countywide
- Increased cooperation among law enforcement, community leaders, citizens, and other social service organizations
- The ability to address other community concerns

Chief Brown said that the City of Hickory and City of Newton have always had a good working relationship, but this Project has brought in many people to work together and that it is better for all communities involved in the Project.

### **3. Presentation on PD Code Enforcement Efforts**

Chief Brown said that he and Planning Director/Assistant City Manager Glenn J. Pattishall met to discuss better ways to be more aggressive with Code Enforcement in the City. Chief Brown said that assistance from Animal Control Officer Dustin Grant would be more effective in enforcing the Code Enforcement violations.

Chief Brown said that since Officer Grant began his Code Enforcement duties, between July 1 – December 31, 2009, all Code Enforcement violations are currently 100% in compliance. Chief Brown added that when a person sees a Police Officer or a police car that it automatically represents authority and is very effective in enforcing the violations. Chief Brown reviewed several photos of nuisances in the City and said that Officer Grant is doing a good job, in cooperation with advice from Planner Ben McCrary who had previously handled the code enforcement violation cases.

### **400 CAD System Overview 2010**

Chief Brown gave an overview of the AS 400 CAD System which the Police Department uses and has used since 1990 for its records management. He said that in June 2009, he was informed that an immediate upgrade was needed to insure that the Police Department would be able to operate in January 2010. Chief Brown gave numerous statements about the problems with the AS 400 CAD System and further stated that he was also advised that the hardware no longer supported their 2010 maintenance agreement and that the fees would increase dramatically.

Chief Brown said that if the AS 400 CAD System breaks, that there are no replacements parts available and his Staff would not be able to use the system. He said that it would be devastating to the Police Department and others, that if the system goes down, that they would have to go back to the 1989 technology of punching a data card on a time clock. He asked the Council to review the information provided which gives a chronological account of the equipment, its uses, its upgrades, and how it fails to provide adequate information for their records management. Chief Brown said that he and his Staff have been investigating the cost of new equipment.

Mayor Mullinax asked Chief Brown if the new upgrade would be part of his budget request. Chief Brown said that he plans to make a recommendation for a new system during the budget process.

Council Member Wayne Dellinger asked if the Police Department receives 911 money from Catawba County since the new communication center has been placed on the second floor. Chief Brown said that they did not receive funds from Catawba County.

Council Member Mary Bess Lawing said that the Council should check into the 911 funds.

After a brief discussion on the cost of various equipment that the Police Department has investigated, Chief Brown said that the cost for the new system he is interested in is approximately \$438,000, but with the existing bar code equipment being already in place and being compatible with the new system he plans to request during the budget, it could cost \$410,000 – a savings of \$28,000.

### **TEEN LEADERSHIP STUDENTS:**

Mayor Pro Tem Anne Stedman welcomed the Teen Leadership group to the Council's Planning Workshop and explained to each the purpose for their attendance. She introduced Chief Don Brown who gave a brief synopsis of the gang problems in the City and the surrounding area.

Chief Brown informed the students of the gang activities in the City and explained the purpose for the new Interagency Gang Grant Project. He showed a video of the new program that the local Law Enforcement agencies would try soon to combat the gang problems in the County. The video showed a gang meeting held by the High Point Law Enforcement Agencies, community leaders, family members, and other groups that were involved in the program. While the students waited on the video, which encountered a delay in its showing, several questions and answers were provided for the teens about the gang activities in the community.

Chief Brown said that several ministers in the Unifour who would be helpful with the gang program and suggested by Chief Brown and Mayor Pro Tem Anne Stedman were Rev. T. A. Spearman and Rev. Reggie Longcrier from Hickory, NC. Chief Brown added that approximately fifty (50) churches have been contacted to participate in the program. Mayor Pro Tem Anne Stedman said that the Teen Leadership Group heard a presentation from Rev. Longcrier during last week's Teen Leadership Session.

After the students finished watching the video, Mayor Mullinax thanked Chief Brown for the presentations, and he, Mayor Pro Tem Anne Stedman, and Council Members thanked the students for attending their annual Council Workshop.

### **SESSION III – PUBLIC WORKS:**

#### **1. Infrastructure**

##### **a. Utility Project: System Rehabilitation Needs/Current Non-budgeted Expenditures; Water & Sewer Strategic Plan and**



## **Rate Study; and Downtown Elevated Water Storage Tank**

Director of Public Works and Public Utilities Wilce Martin gave a detailed report, using a power point presentation, on numerous utility needs in the City. He reported on the system's rehabilitation accomplishments, which include the completion of the West "G" Street water line replacement project performed by the Staff and the ARRA workers for approximately \$43,600 and realizing a savings of \$26,400 from the estimated amount from the contractor for \$70,000. Mr. Martin said that the citizens in the area were very pleased with the improvements. Mr. Martin said that the Staff identified all aerial sewer lines and that the State recommended that all manholes be replaced and/or repaired by 2013.

Mr. Martin said since July 2009, the City had nineteen waterline breaks in main lines and repaired forty service line breaks, mostly in the Shannonbrook area. Mr. Martin reported that the Water Audit Study prepared by Cavanaugh in 2008 revealed that 18 percent of water was not accounted for, that the losses were monitored by the following categories, (1) unbilled, unmetered consumption; (2) average customer meter accuracy; (3) unauthorized consumption (theft); and (4) unreported leaks. However, Mr. Martin stated that City Staff had reduced the water loss by 6% to 12% from the 18%.

Mr. Martin said that a small percentage of large water meters have been replaced. He said that there are approximately 151 large commercial/industrial water meters in the City and that 46% of them are seven to thirty years old.

Mr. Martin said that eight large water meter customers have helped to pay for replacements, which is due to the good working relationship the City has with the customer and helps to make the improvements go very smoothly.

City Manager Clark informed the Council that the Staff uses a notification system to contact customers in advance of major waterline and sewer line replacement projects allowing good customer service for the City. Mr. Martin said that the water and sewer priority projects include the Burris Road Wastewater Pump Station Project, which is proposed to be completed by June 2010. He said that the unexpected expenses for 2009-2010 up to January 31, 2010 has cost the City an estimated amount of \$135,000 of which \$56,228 was for repairs to the clear wells, engineering costs, and equipment repairs. Mr. Martin mentioned that there had recently been another overflow on the Burris Road Force Main.

Mr. Martin said that the Sewer & Water Strategic Plan/Study is a strategic plan that will focus on specific parts of each water and sewer system that are a priority for a ten-year period.

Council Member Bill Lutz asked how the State determines the amount of a fine for an overflow.

Mr. Martin said that the is determined by the State. He said that a Sewer and Water Strategic Plan/Study will provide cost estimates, the long term and short-term opportunities, and will validate what needs to be done. He said that the study is estimated

to cost \$35,000 for the water and approximately \$25,000 for the sewer. Mr. Martin said also mentioned the Sewer and Water Infiltration and Inflow Study which would identify the areas of Infiltration and inflow in the City sewer system, determine repairs and replacements, costs, and present a priority schedule. He said that the cost for the Sewer and Water Infiltration and Inflow Study is estimated to cost \$15,000.

### **DOWNTOWN ELEVATED WATER STORAGE TANK**

Director of Public Works and Public Utilities Wilce Martin reported that he and Planning Director/Assistant City Manager Glenn J. Pattishall have had numerous discussions regarding the elevated water storage tank. In a memorandum prepared by Mr. Pattishall, Mr. Martin said that there are several alternatives as to what could be done to the old water tank. He said that the water tank provides no water function and is in very bad condition and appearance.

Mr. Martin said that the water tank has served as a cellular antenna tower and one provider's lease agreement period is until 2013, with another five-year renewal option. Mr. Martin reviewed specific conditions of the water tank, as well as, followed up on several requests of the Council's which include:

1. Obtain cost estimates for the demolition and disposal of the water tank
2. Obtain cost estimates for construction of a new 199 foot freestanding tower
3. Obtain cost estimates to clean and paint the tank inside and out

Mr. Martin said that the City has a firm quote to demolish and remove the water tank for \$20,000, which City Manager Clark said that there is \$25,000 in the Fiscal Year 2009-2010 Budget for removal of the tank. The other options mentioned with the City having a firm costs are to construct a new 199-foot tower for \$95,000; or to clean and paint the water tank inside and out for \$200,000 (but the water tank could still not be used for water storage).

Mayor Mullinax asked if the staff was still picking up the lead base paint pieces, and he said "yes," that the pieces have been placed in a special container.

Mr. Martin said that the Staff recommends that the Council consider demolishing and removing the water tank and pursue erection of a tower structure for future placement of cellular antennas and other telecommunications equipment, including SunCom and potentially others. He said, with regard to the recommendation from the Staff, that if authorized by Council, the Staff would like to proceed with discussions with SunCom as to their needs and evaluate what, if any, necessary modifications to the current lease agreement would be required as a result of the water tank removal and erection of a tower structure. He said that the Staff would like to look at options that may be available with SunCom or other cellular providers and/or antenna construction companies and to make a full report and recommendation at a future date as to actions the Council should take.

After a brief discussion on the various options for the water tank, the Staff recommended that the Council do nothing in terms of having the water tank removed at

this time. It was suggested by Council to get quotes from cellular companies and to submit photographs of cellular towers for review and future discussions.

Mayor Pro Tem Anne Stedman said that she was in favor of keeping the water tank because it could become part of the “Branding” process that the DNDA has been discussing. She said that the water tank could become a “face jug” similar to the Gaffney, SC Peach water tank. She said that Catawba County has become a destination for pottery and the arts. She said that the pottery artist Albert Hodge has “face jugs” in the Smithsonian and he is in Catawba County. Council Member Robert Abernethy, Jr. asked about funding, and Mayor Pro Tem Stedman said that a project of this type would cost approximately \$200,000.

Council Member Mary Bess Lawing said that the Council should really give the water tank further consideration before a final decision is made, especially to have it removed.

Mr. Martin said that it is the Staff’s desire to talk to SunCom to see what the options are and to come back with a firm offer to discuss with the Council later.

### **STREET REHABILITATION PROJECTS**

Director of Public Works and Public Utilities Wilce Martin said at the beginning of this fiscal year, the Staff had overlay projects as part of the Street Rehabilitation Project that was budgeted at \$170,000, but State funding was only \$130,000 in Powell Bill Funds. Because of the decrease in funding, Mr. Martin said that the Staff had to determine which process in street improvements to use, street overlay or crack sealing. He said that with \$130,000, crack sealing would be the better choice, and explained that crack sealing seals all the cracks in the streets and would give streets 4 to 5 more years before repaving is needed. Mr. Martin said that the funding would pave 6.79 miles of streets and pave East K. Street. Mr. Martin provided slides to show the differences between crack sealing and street overlay. He said due to the weather conditions that the Street Rehabilitation Project would begin in late spring.

Council Member Wayne Dellinger mentioned a previous process used for street improvements described as “chip sealing.” He said that the Staff should investigate the streets where “chip sealing” was used and see how they look, to see if this process is worthwhile trying again. Mr. Martin said that usually “chip sealing” is used on streets without curb and guttering.

#### **b. Sidewalk and Street Enhancement Program (West A. Street)**

Director of Public Works and Public Utilities Wilce Martin reported that there are two streets that have been pending for resurfacing and/or repairs. He said that Street Superintendent Mark Herman said West Second Street, which is located beside of the Corner Table. He said that there has also been a drainage issue in this area and that it is the Staff’s desire to correct the drainage problems as well.

Council Member Mary Bess Lawing agreed that the sidewalk beside of the Corner Table is in bad condition. Mr. Martin said the sidewalk across Second Street also needs repairing, that it has numerous trip hazard areas and is a liability to the City. Mr. Martin said the cost for these two sidewalks on Second Street would cost approximately \$29,000. He said that the Council approved \$36,000 in Fiscal Year 2009-2010 for sidewalk repairs.

Mr. Martin said another street listed for immediate attention is West A. Street near the Hurley property. He said there are two sections of sidewalk on West A. Street that are missing. He said that the Staff estimates \$7,000 to construct a sidewalk for this area, and that this project has been on the "to-do list" for years. He said that sidewalks for Second Street and a portion of West A Street are in this year's budget.

Attorney Larry Pitts said that there was some type of conflict in years past and that Mr. Powell and Mr. Hurley refused to allow the City to construct a sidewalk in front of their properties. Mr. Martin said that West A. Street and Second Street have issues of liability and given the access for safety hazards, the Staff has been waiting to put a sidewalk in this area for a long time.

Mayor Mullinax asked if there has ever been a sidewalk on the side of the Corner Table. City Manager Clark said that there has been a sidewalk there, but due to their new construction and placement of planters, drainage issues, etc., the Staff felt it would be best to wait and do both sides of the Street at the same time after the repairs are completed.

Mayor Mullinax suggested Mr. Powell and Mr. Hurley be contacted to discuss the sidewalk issue, and in the interim, go out for bids, then bring the information back before the Council.

City Manager Clark gave a brief summary of the Powell Bill Funds. He said that the original Powell Bill Budget was \$425,000 and the actual appropriated budget amount was \$385,003. He said that \$170,000 was budgeted for street paving and \$36,000 was budgeted for sidewalk repairs. City Manager Clark said that the repairs would be completed as the weather permits.

**No discussion was held on Sidewalk and Street Enhancement Program (Radio Station Road – Shuford Abernethy Request)**

**SESSION IV – MUNICIPAL TECHNOLOGY SERVICE:**

**1. Wireless Internet/Broadband Services**

City Manager Clark said that there is currently some interest in Wi-Fi in the downtown area. He mentioned that in his research, that there is much information about Wireless and fiber-optic options. He mentioned the presentation given by Michael Crowell from the City of Salisbury, NC, on direct FTTH (Fiber to the Home) during the 2009 Council Planning Workshop. City Manager Clark stated that the fiber-optic option Mr. Crowell spoke about is a lighting fast fiber-optic service used to attract new businesses, economic development, and provide television, telephone, and internet service all in one,

for Salisbury's residential and commercial customers. City Manager Clark said that according to Mr. Crowell, the City of Newton could provide the same service for an estimated cost of \$15 to \$20 million.

City Manager Clark distributed additional information on the use of WiFi, such as who maintains it, who operates it, what is its future and its needed support from the public. There was a brief discussion on "U-Verse" which is an AT&T bundle, which is similar to Charter Communication's bundle service. Several Council Members voiced their opinions about Google, Corning Cable, etc. and said that it would be good to learn more about the fiber optic concept and its cost.

Council Member Robert Abernethy, Jr. said that the Council has talked a lot about finding ways to boost the local economy and keep up with the many changes that face the City. He said that the fiber options might not attract everyone, but it certainly would attract the younger population and young professionals, and would attract higher-end workers and industries.

Mayor Mullinax agreed and said that now would be a good time to find out more about what AT&T and Sprint have to offer.

City Manager Clark encouraged the Council to read the information provided on Municipal Broadband included the Planning Workshop agenda, which gives an overview of several fiber optic network options.

### **RECESS:**

Mayor Mullinax recessed the February 18, 2010 Council Planning Workshop until Friday, February 19, 2010 at 8:30 a.m.